



Policy brief

Land and climate change: Rights and environmental displacement in Mozambique

Van Vollenhoven Institute for Law, Governance and Society (VVI)

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Colophon

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Executive summary

Mozambique is a country that is prone to natural disasters such as floods and cyclones. Climate change is increasing disaster risks. Resettlement is the major solution taken by the government to reduce the number of people living in high-risk areas. But how does such resettlement take place? Are people satisfied with their new places of living? Are they compensated for the loss of property and livelihoods they experience? And what about the people that were using land taken by these new resettlements? This policy brief discusses these questions and shows realities on the ground. It also looks into the relevant legal framework of protection and argues that there are some gaps that should be addressed especially in relation to expropriation processes. The brief also recommends to address people's longer-term needs in displacement to ensure that resettlement is a durable solution. For this, collaboration between humanitarian and development actors is required, as well as considerable resources. Finally, we recommend that close attention is paid to the relations between old and new settlers at resettlement sites to avoid tensions and conflict.

Introduction

In March 2019, Cyclone Idai hit the Southern African countries of Mozambique, Malawi and Zimbabwe with unprecedented strength. Thousands of houses were destroyed by the strong winds, and vast areas of land completely flooded. As a result, thousands of people were displaced from their houses. In the city of Beira alone, more than 22 000 people had to be hosted in spontaneous accommodation sites spread throughout the city in the first few days after the disaster. Climate experts were quick to send off warnings that, due to climate change, extreme weather events will become even more frequent in the near future, which will result in more environmental displacement, and such issue must be a priority of states' agendas.

One of the impacts of environmental displacement is an increase in land tenure issues, both in the areas from where displaced people flee and the areas where they seek shelter. Moreover, even measures to avert the impact of climate change and natural disasters also contribute to further displacement. In fact, land rights are twice a problem in climate change response; land tenure issues are exacerbated by the new problems brought by climate change while, on the other hand, existing land tenure issues further complicate climate adaptation measures that are needed. Besides the difficulties that these problems create in people's lives, they also have potential to ignite and fuel conflict. If not properly and timely addressed, the land tenure issues caused by environmental displacement and measures to prevent disasters can make the response against climate change more difficult, and further increase its impacts on communities.

This policy brief aims to share with policy makers and practitioners the main findings of a small socio-legal research project on the dynamics of environmental displacement, land rights, and conflict in the aftermath of Cyclone Idai. It is based on a more elaborate report by the authors.

Findings on the ground: diverging discourses

To address climate risks and to avoid further disasters from taking place, the government of Mozambique, through its National Institute for Disaster Management (INGC), has chosen a clear strategy: Resettling people from high-risk zones to more secure areas, to prevent disasters from wreaking too much havoc. But such a policy of population movement clearly has major consequences for those affected by it; whether they are resettled people, supposed to be resettled, or whether they are among the previous owners of the resettlement land. The country has already a number of previous experiences with resettlement with varying degrees of success. It is therefore not surprising that such a policy provokes strong opinions and risks dividing people in opposite stances. In our fieldwork we found a number of diverging discourses which exemplify the tensions created by these resettlement practices. Awareness of these divergences is needed to come to improved, more durable solutions to tackle the climate-displacement-land rights nexus in a satisfying manner for all parties involved. Those divergent discourses were:

“People don’t want to leave” vs. “We lost the opportunity to leave”

Government officials and humanitarian aid providers’ dominant discourse is that people from high-risk areas (e.g., Praia Nova in Beira) do not want to leave their residencies, while people in these high-risk areas say that they would be more than happy to leave if a viable alternative was offered to them. Many are trapped with the investments they made in the area, or depend on petty jobs for which they need to live close to the city centre. Leaving would mean starting their lives from scratch. Knowing, understanding, and engaging with the concrete daily survival needs of the residents in this risky area seems key to adequately address both people’s interests and to reduce disaster risks in the future.

“There will be problems with host communities” vs. “We’ll have a town here”

We expected to find feelings of resentment among the former users of the land where resettlement sites were created. Such feelings indeed do exist and they certainly should not be taken too lightly, but there is also a sentiment of hope about opportunities that might come when the area further develops into an attractive and hospitable town. However, these more positive feelings towards the newcomers might not last for long if promises of development remain unfulfilled. If the new settlements only represent more hardships for those that already lived in the area due to the loss of their land, tensions and possibly conflicts might arise between old and new settlers.

“There is nothing here” vs. “We will have things, little by little”

Quality of life at the resettlement site where we conducted part of our research raised mixed feelings among resettled people, with those coming from urban areas showing more difficulty to adapt to a rural life. Lack of agricultural land, employment opportunities, electricity, construction materials, and health assistance were major complaints. Some people expressed optimism that their situation would improve, little by little, through their own efforts, and through the humanitarian assistance that they received. However, the glimpses of optimism of some settlers might not last for ever. If these basic needs are not addressed on the longer term, people might question their choice of moving to a resettlement site.

Opportunism vs. survival strategy

One of the criticisms raised by state officials and aid workers is that people living in high-risk areas take advantage of aid that is provided as part of resettlement packages, but that they rapidly return to their homes in the high-risk areas once they have received aid. Based on our findings, we would

argue that some people might indeed take advantage of aid provision without the intention of moving permanently, but that is not all there is to say about it. Moving away and returning shortly after, or sending only part of the family to the new resettlement site might just as well be a survival strategy. Without having visited the resettlement site prior to moving, and without knowing the living conditions there, it is logical that people send some family members to test the possibility of resettlement in those areas, but don't fully commit to it. What some see as opportunism, is seen by others as a survival strategy that is born out of necessity. For some the choice is between being independent and having some income in a disaster prone area, versus being aid dependent and without an income in a safer area. It is understandable that the choice then is made for the former option.

Resettlement as a solution vs. resettlement as the solution

The relatively low-cost, low-tech, and quick to implement solution of moving people from high-risk areas makes resettlement a go-to solution of the Mozambican government. However, aid experts expressed their doubts and concerns about the way the resettlement process is conducted, and leave them with a dilemma: to be part, and therefore legitimise, a resettlement process that was far from the standards that they recommend, or leave resettled people only with the limited support given by the government. Resettlement comes with a number of drawbacks, and in many cases might not be the best solution to address climate risks. INGC's 2006 and 2017 Master plans show that there is an institutional awareness of the need to implement adaptation measures other than resettlement, but the solutions adopted in practice seem far from the planned actions. More knowledge is needed about the reasons that lead to this gap between plan and practice.

Rapid and informal solutions vs. more durable and legally formal ones

The resettlement process after Cyclone Idai went considerably fast, but it was done in a rather informal way. People received only temporary informal documents over their residential plots but did not yet receive the formal DUAT that they were supposed to get and that would provide more long-term tenure security. The process through which land was obtained for the resettlement areas was also informal, giving little room for those affected by it to negotiate their position and be adequately compensated. Moreover, our research identified a major gap in the legal framework for land expropriation.

Resettlement as a technical solution vs. resettlement as a politically loaded solution

Resettlement might be presented as a technical solution to reduce disaster risks. But technology is not necessarily neutral. It has very real and direct consequences for people's lives and can be politically loaded. For instance, people in opposition stronghold Beira felt that it was a political strategy of the government to resettle people from Beira to other areas. Whether this was indeed the case or mere rumour does not matter so much, what is relevant is that these visions feed into the way people perceive 'the state', and directly impacts on the state's legitimacy. Drastic measures by a state will be more easily accepted by its citizens if these citizens consider the power of the state to be legitimate. A supporting base is important to successfully realize interventions such as resettlement.

Recommendations

Climate-induced natural disasters are likely to continue to affect Mozambique in the future. It is important that both people and the government are prepared to deal with such events. We have shown some of the dynamics at work in the aftermath of Cyclone Idai. From this, some lessons can

be learnt that lead to recommendations for the future, both for the Mozambican context in particular, but also for other settings where disaster risks are increasing due to climate change.

1- Improvements in the legal framework and its implementation

Our research identified a number of relevant inconsistencies and gaps in the Mozambican legal framework regarding land rights and resettlement: (1) the progressive undermining of the legal recognition given by the Land Law to the land rights acquired on the basis of custom or long-term occupation; (2) the lack of a unified, clear and consistent regulation of the expropriation process for people that have to move because of the resettlement; and (3) a limited focus on long-term solutions in disaster legislation. We recommend that these points should be addressed in improved legislation to provide better legal protection to the people who are affected, not only on the short term, but also on the long-term. The adequate implementation of existing laws must be prioritized. Globally, the issue of climate-induced displacement is hardly captured in legislation, but it will become more urgent in the future. Early awareness of potential protection gaps in the international legal framework is important.

2- Long-term support to upgrade the new resettlement sites

We argue for longer-term policy making and programming on resettlement sites. Whereas resettlement can be considered as a durable solution to displacement, it can only be durable if people are supported to obtain access to durable housing and livelihood conditions. This might not be a task of the INGC, but other governmental and non-governmental actors could take up a role here at the moment humanitarian actors are leaving the scene. This requires better coordination between humanitarian actors and development actors and more follow-up once the humanitarian community has left the scene.

3- Monitoring and support of host and neighbouring communities

The relations between resettled people and members of host communities and/or surrounding communities of the resettlement site need to be monitored closely. Moreover, host communities or neighbouring communities might deserve attention and support just as well to avoid (perceived) inequalities that can lead to frictions.

4- Risk reduction, together with people affected

We note that the current Master plan that directs the work of the INGC already focuses at the reduction of disaster risks and aims to reduce people's vulnerability and to increase their resilience, in line with the Sendai Framework. To realise some of these measures, financial and human resources will be indispensable. This could come from the Mozambican government, but might also need support from the international community. Besides, it is important to take people on board for the development of plans and to include their voices. This will make successful implementation of plans more likely, and could help to build back better and to make communities more resilient.

Further reading

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